IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 17104 of 2004

Between:

N. Venkataratnam, S/o Janardhan Rao,
R/o Jubilee Hills, Hyderabad.

..... PETITIONER

AND

1 The District Collector, Ranga Reddy District at Lakdikapul, Hyderabad.
2 The Mandal Revenue Officer, Serilingampally Mandal, Ranga Reddy District.
3 Hyderabad Urban Development Authority, at Rasoolpura, Secunderabad, rep. by its Vice Chairman and Managing Director.
4 The Assistant Director of Survey and Land Records, Ranga Reddy District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ in the nature of Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction, declaring the action of the Respondents in seeking to dismantle the barbed wire fencing and the room constructed by the petitioner for the purpose of watch and ward and also in seeking to dispossess the petitioner from the land admeasuring
Ac. 1.16 gts forming part of Sy.No. 218/11 of Kondapur village, Serilingampally Mandal, Ranga Reddy District, as otherwise than in due process of law, as illegal, arbitrary and without jurisdiction and to consequently direct the Respondents not to interfere with the peaceful possession of the petitioner over the above property.

Counsel for the Petitioner:MR.N.SRIDHAR REDDY

Counsel for the Respondent Nos.1, 2 & 4: GP FOR REVENUE

Counsel for the Respondent No.3: MR.B.VISWANATHA REDDY, Standing Counsel for HUDA

The Court at the stage of admission made the following ORDER:

The petitioner, who is claiming to be the purchaser of land to an extent of Ac.1-16 guntas forming part of Survey No.218/11 of Kondapur Village under a registered sale deed dated 29-12-1999, filed the present writ petition stating that prior to purchase of the said land, he got surveyed the land with the help of the fourth respondent-Assistant Director of Survey and Land Records, Ranga Reddy District, identified the land under a panchanama and after such purchase, he had fenced the land with barbed wire for protecting it from encroachment. After obtaining necessary permission on 12-05-2004 from the Municipality, Serilingampally, he had constructed a small room in the land for the sake of watchman to look after the property. While so,

respondents 2 and 3 informed the petitioner that the land in survey No.218/10, which is adjacent to the petitioner's land, is a Government land and alleging that his land also falls in

Survey No.218/10, tried to remove the barbed wire of the said land. Questioning the same, he filed the present writ petition contending that the respondents, without issuing any notice, cannot dispossess him from the property in question nor dismantle or demolish the fencing and the room constructed therein.

The second respondent-Mandal Revenue Officer, Serilingampally Mandal, Ranga Reddy District, filed counter in response to the notice before admission issued by this Court stating that the land in survey No.218/11 is a patta land but the land in Survey No.218/10 adjacent to the land in Survey No.218/11, on the western side, belongs to the Government and that the total extent of the Government land is Acs.3.03 guntas, out of which, Acs.2.08 guntas was handed over to HUDA on

26-04-2002 for development on its requisition. On the request made by HUDA, the land was surveyed by the Mandal Surveyor on 19-09-2004 in the presence of the petitioner and surveyor of HUDA. The petitioner claimed right over the land in survey

No.218/11, which is a patta land. It was further stated that there was neither any barbed wire fencing nor any room constructed on the land purchased by the petitioner. It was denied that the respondents visited the site of the petitioner on 20-09-2004 and tried to dismantle the barbed wire fencing of it.

In view of the above, it is open for the petitioner to obtain necessary permission for construction of a compound wall in the patta land, which is situated adjacent to the Government land, which was handed over to the HUDA in 2002.

In view of the same, the dispute is with regard to the identity of the property. The petitioner claims that the room, which was constructed by him, falls within his land only whereas the respondents claim that the land belongs to the Government and handed over the same to the HUDA in the year 2002. The same cannot be adjudicated in the present writ petition invoking the jurisdiction of this Court under Article 226 of the Constitution of India. Therefore, the writ petition is liable to be dismissed.

The writ petition is accordingly dismissed. However, if the petitioner is having any claim over the land, which was handed over to HUDA, he has to file necessary civil suit with appropriate pleadings and get the land demarcated with the help of the surveyor through judicial process. No costs.

9th NOVEMBER, 2004.

To

1 The District Collector, Ranga Reddy District at Lakdikapul, Hyderabad.
2 The Mandal Revenue Officer, Serilingampally Mandal, Ranga Reddy District.
3 The Vice Chairman and Managing Director, Hyderabad Urban Development Authority, Rasoolpura, Secunderabad.
4 The Assistant Director of Survey and Land Records, Ranga Reddy District.

5 Two CCs to the Government Pleader for Revenue A.P.High Court Buildings, Hyderabad (OUT)

6 Two CD copies.